

### **REMARKS/ARGUMENTS**

The Office Action mailed August 3, 2004 has been reviewed and carefully considered. Claims 18, 20, and 61-76 are canceled. Claims 1, 3, 5, 7, 12-14, 16-17, 19, 21, 31-60, and 71-94 have been amended. Claims 1-17, 19, 21-60, and 77-96 are pending in this application, with claim 1 being the only independent claim. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

In the Office Action mailed August 3, 2004, the specification is objected to because the Examiner states that the specification does not include an abstract and because the amended sheets filed in the international application to not include claim 22. We have made changes to the abstract which are attached hereto on a separate page. However, an abstract on a separate page was not required in the present application. As noted by the Examiner, the present application is a U.S. national stage application of international stage PCT application PCT/EP00/04231. A published pamphlet version of the PCT application was included in the filing papers of this national stage application as WO 00/76243. The abstract appears on the cover sheet of the published pamphlet of the international application. MPEP §1893.03(e) states that "it is improper for an Examiner of the U.S. national stage application to require the application to provide an abstract commencing on a separate sheet if the abstract does not appear on a separate sheet in the pamphlet", when the abstract appears on the cover page of the publication.

Regarding claim 22 on the amended sheets, the amended sheets only included claims 1-21, as noted in the International Preliminary Examination Report which was filed with the national stage application. The original claims 1-22 were used as the basis for the preliminary amendment.

In view of the above remarks, the objection to the specification should now be withdrawn.

Claims 20, 94 and 95 are objected to as containing a minor informality. The original claim 20 did not have this informality. Rather, the amended claim 20 in the international phase includes this informality. As described above, the original claims 1-22 are being used as the basis for the application. The original claim 20 is now canceled. Accordingly, the objection to claim 20 should now be withdrawn.

Claims 12, 13 and 16 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite because the phrase "the end station", does not have proper antecedent basis in independent claim 1. The claims have been amended so that each occurrence of "end station" is changed to --mobile station--. Accordingly, the rejection of claims 12, 13, and 16 under 35 U.S.C. §112, second paragraph, should now be withdrawn.

Claims 1-8, 12-23 and 31-96 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 6,574,473 (Rinne).

Claims 9-11 and 24-30 stand rejected under 35 U.S.C. §103 as unpatentable over Rinne in view of U.S. Patent No. 4,443,875 (Blausten).

Before discussing the cited prior art and the Examiner's rejections of the claims in view of that art, a brief summary of the present invention is appropriate. The present invention relates to releasing a connection in a wireless communication network. More specifically, the present invention relates to a network using code division multiple access techniques in which a mobile station can be connected to more than one radio network controller at the same time (see page 4, lines 9-12, of the specification). A serving radio network controller (SRNC) controls the multiple connections (page 4, lines 12-15). The present invention relates to releasing the connection

between the mobile station and the end element in the core network connected with the SRNC (see, e.g., page 7, lines 14-16; Figs. 3A and 3B). As seen in Figs. 3A and 3B of the present application, the mobile station is first connected to the end element SGSN1 and is then switched to the end element SGSN2. The RNC1 releases the connection between the mobile station and the end element SGSN1.

Independent claim 1 is amended to specifically recite that the network element is a radio network controller.

Rinne discloses a handover between radio network controllers inside a generic radio network (see col. 4, lines 29-36, of Rinne). Figs. 9 and 10, and the associated text at col. 10, lines 1-29 of Rinne disclose that an anchor RNC establishes and releases links to other RNCs. However, the anchor RNC always remains connected. Furthermore, the signal flow diagrams of Figs. 11 and 12 in Rinne show an anchor RNC of Rinne remains connected during the handover between RNCs. Therefore, Rinne fails to teach or suggest that the RNC includes "means for determining if the connection between said end element and said ~~end~~ mobile station is to be released", as expressly recited in independent claim 1.

In the rejection of the claims, the Office Action states that the end element recited in the claims reads on a base station. However, claim 1 specifically recites "said network element being arranged between a mobile station and an end element". Since the network element is a radio network controller, the end element can not be a base station. Amended independent claim 1 now specifically recites that the network element is a radio network controller which includes means for releasing a connection between the mobile station and an end element, wherein the radio network controller is arranged between the end element and mobile station. Rinne fails to disclose this because, as noted by the Examiner in the office action, Rinne discloses that the anchor RNC

releases and establishes links to other RNCs. Since the anchor RNC remains connected, Rinne fails to teach or suggest "means for determining if the connection between said end element and said ~~end~~ mobile station is to be released", as expressly recited in independent claim 1.


Accordingly, independent claim 1 is not anticipated by Rinne under 35 U.S.C. §102. It is also not obvious over Rinne under 35 U.S.C. §103 because Rinne relates to establishing and releasing links between an anchor RNC and other RNCs.

Dependent claims 2-, being dependent on independent claim 5, are deemed allowable for the same reasons expressed above with respect to independent claim 5.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By   
Alfred W. Froeblich  
Reg. No. 38,887  
551 Fifth Avenue, Suite 1210  
New York, New York 10176  
(212) 687-2770

Dated: January 3, 2005